MADRAS REGULATION II OF 1819.[1]

[THE MADRAS STATE PRISONERS REGULATION, 1819.]

[*4th March 1819.*]

A Regulation for the confinement of State Prisoners.

Preamble.

WHEREAS [2][reasons connected with the maintenance of public order in the Province] occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the [3][State Government]; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision and the person affected thereby should at all times be allowed freely to bring to the notice of the [3][State Government] all circumstances relating either to the supposed grounds of such determination,

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[1] Short title, "The Madras State Prisoners Regulation, 1819"—*see* the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Regulation was declared by the Laws Local Extent Act, 1874 (Central Act XV of 1874), section 4 and the second schedule to be in force in the whole of the Presidency of Madras except the territories mentioned in the sixth schedule to that Act.

It has been declared in force in the Scheduled Districts in Ganjam and Vizagapatam by notification under s. 3 (*a*) of the Scheduled Districts Act, 1874 (Central Act XIV of 1874)—*see Gazette of India*, 1898, Pt. I, p. 869, *Fort St. George Gazette*, 1898, Pt. I. p. 666; in the Rampa Country—*see* notification No. 1151, *Gazette of India*, 1879, Pt. I, p. 630, and *Fort St. George Gazette*, 1879, Pt. I, p. 723.

It has been extended, by notification under s. 5 of the same Act, to the taluks of Bhadrachalam and Rakapilli—see *Fort St. George Gazette*, 1879, Pt. I, p. 722, and *Gazette of India*, 1879, Pt. I, p. 630.

The Regulation has been declared by a notification under section 3, clause (*a*) of the Scheduled Districts Act, to be in force in the Dutcharti and Guditeru Muttas of the Godavari Agency—see *Fort St. George Gazette*, 1930, Part I, page 553.

As to direction of warrants under this Regulation—*see* Central Act V of 1871, section 15. The Habeas Corpus section (491) of the Code of Criminal Procedure, 1898, does not apply to persons detained under the Regulation.

As to commitments by the Agents in Ganjam and Vizagapatam—*see* Central Act XXIV of 1839, section 7. For further provisions—*see* the State Prisoners Act, 1858 (Central Act III of 1858).

The Regulation is in force in the Nugur taluk of the East Godavari district in virtue of section 2 (1) of Regulation I of 1909.

On and from the 1st April 1937 the Regulation is in force throughout the State of Madras by virtue of section 12.

[2] These words were substituted for the words "reasons of State policy" by the Adaptation Order of 1937.

[3] These words were substituted for the words "Governor in Council" by the Adaptation Order of 1950.

or to the manner in which it may be executed; and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support, according to his rank in life and to his own wants and those of his family; and whereas [1][reasons of State] sometimes render it necessary that the estates and lands of zamindars, taluqdars and others, [2]* * * * * * * should be attached and placed under the temporary management of the Revenue authorities, without having recourse to any judicial proceeding; and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government; [3][it is hereby enacted as follows :—]

Procedure in placing persons under restraint as State prisoners.

2. *First.*—When [4][reasons connected with the maintenance of public order in the State] may seem to the [5][State Government] to require that an individual should be placed under personal restraint without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment [6][shall be issued by the State Government] to the officer in whose custody such person is to be placed.

Form of warrant.

Second.—The warrant of commitment shall be according to the form prescribed in the Appendix to this Regulation.

Warrant to be authority for detention of State prisoner.

Third.—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within the [7][State].

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[1] These words were substituted for the words "the reasons above declared" by the Adaptation Order of 1937.

[2] The words "situated within the territories dependent on the Presidency of Fort St. George" were omitted by *ibid.*

[3] These words were substituted for the words "the Governor in Council has enacted the following rules which are to take effect throughout the Provinces immediately subject to the Presidency of Fort St. George" by *ibid*

[4] The words "reasons connected with the maintenance of public order in the Province" were substituted for the words "the reasons stated in the Preamble of this Regulation" by ibid and the word "State" was substituted for "Province" by the Adaptation Order of 1950.

[5] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[6] The words "shall be issued by the Provincial Government" were substituted for the words "under the authority of the Governor in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government shall be issued" by the Adaptation Order of 1937 and the word 'State' was substituted for "Provincial" by the Adaptation Order of 1950.

[7] The word "Province" was substituted for the words "territories subject to the Presidency of Fort St. George" by the Adaptation Order of 1937 and the word "State" was substituted for "Province" by the Adaptation Order of 1950.

Communication of grounds of detention and opportunity of making representation.

[1][**2-A.** When any person is detained in pursuance of a warrant of commitment issued by the Government, the Government shall, as soon as may be, communicate to the State prisoner the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order :

Provided that nothing in this section shall require the Government to disclose facts which it considers to be against the public interest to disclose.]

Officers having custody of State prisoners to report to Government.

3. Every officer in whose custody any State prisoner may be placed shall, on the first of January and first of July of each year, submit a report to the [2][State Government] [3] * * * * * , on the conduct, the health and the comfort of such State prisoner, in order that the [2][State Government] may determine whether the orders for his detention shall continue in force or shall be modified.

4. [*State prisoners to be periodically visited.*] *Rep., Central Act XVI of 1874.*

Representation by State prisoners to be submitted to Government.

5. The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the [2][State Government].

Report as to their confinements, health and allowances.

6. Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the [2][State Government] whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family according to their rank in life.

Allowance to be appropriated for support of State prisoner.

7. Every officer in whose custody any State prisoner may be placed shall take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

8. [*Foregoing provisions made applicable to persons already confined as State prisoners.*] *Rep., Central Act XII of 1876.*

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[1] This section was added by the Adaptation Order of 1950.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] The words "through the Chief Secretary to Government" were omitted by the Adaptation Order of 1937.

Attachment of estates by orders of Government when to be communicated to Court.

9. Whenever the [1] [State Government] for [2] [reasons of State], shall judge it necessary to attach the estates or lands of any zamindar, jagirdar, taluqdar or other person, without any previous decision of a Court of Justice or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, [3] * * * * * to the Judge of the district in which the lands or estates may be situated [4] * * and to the Sadr and Faujdari Adalat.

Management of attached estates.

10. *First.*—The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjusted on the same principles as those of other estates held under khas management.

Not liable to be sold while under attachment.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Satisfaction of decrees of Courts.

Third.—In the cases mentioned in the preceding clause the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

Procedure when Government releases estate from attachment.

11. Whenever the [1] [State Government] shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment.

Extent.

[5] [**12.** This Regulation extends to the whole of the [6] (State) of Madras.]

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were substituted for the words "the reasons declared in the preamble to this Regulation" by the Adaptation Order of 1937.

[3] The words "under the hand of one of the Secretaries to Government" were omitted by *ibid.*

[4] Certain obsolete words have been repealed by Central Act XII of 1876.

[5] This section was inserted by the Adaptation Order of 1937.

[6] This word was substituted for the word "Province" by the Adaptation Order of 1950.

APPENDIX.

Form of Warrant of Commitment.

To the (*here insert the officer's designation*).

WHEREAS the Governor * * [1], for good and sufficient reasons, has seen fit to determine that (*here insert the State prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*) you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor [1] * * and the provisions of Regulation II of 1819.

[2] [ ]

MADRAS REGULATION IV OF 1821.[3]

[THE MADRAS VILLAGE POLICE REGULATION, 1821.]

[*15th June 1821.*]

A Regulation for giving greater efficiency to the system of Police established in the [4][territories] subordinate to the Presidency of Fort St. George.

[5] **1 to 5.** [*Extension of authority of amins of police : duties of subordinate officers : inquiries by subordinate officers : powers of Heads of Police to punish certain petty thefts : powers to fine and award compensation.*] *Rep., Central Act XVII of 1862.*

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[1] The words "in Council" were omitted by the Adaptation Order of 1937.

[2] The words "Fort St. George, the
By order of the Governor in Council, A.B.,
Chief Secretary to Government."
were omitted by *ibid.*

[3] The short title was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

The Regulation has been declared, by notification under s. 3 (*a*) of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to be in force in the Rampa Country—*see Gazette of India*, 1879, Pt. I, p. 630 and *Fort St. George Gazette*, 1879, Pt. I, p. 723.

It has been extended, by notification under s. 5 of the same Act, to the taluks of Bhadrachalam and Rakapilli—*see Gazette of India*, 1879, Pt. I, p. 630, and *Fort St. George Gazette, ibid*, p. 722. The Regulation has been extended by a notification under s. 5 of the Scheduled Districts Act to the Muttas of Dutcharti and Guditeru of the Godavari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553.

The Regulation is in force in the Nugur taluk of the East Godavari district in virtue of s. 2 (1) of Regulation I of 1909.

[4] This word was substituted for the word "provinces" by the Adaptation Order of 1950.

[5] It may be noted that s. 4 of this Regulation, which had been repealed by Central Act XVII of 1862, was revived by the Laws Local Extent Act, 1874 (Central Act XV of 1874), Schedule II; the section was, however, subsequently again repealed by Central Act XII of 1876, Sch., Part I. Section 6 is not referred to in the Second Schedule to Central Act XV of 1874.